(1)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

IN THE

Supreme Court of the United States

PATRICK D. CAHILL

Petitioner

v.

DEBORAH J. CAHILL

On Petition For Writ of Certiorari
To The District Court of Appeal, First District, State of Florida

PETITION FOR WRIT OF CERTIORARI

Patrick D. Cahill
In Pro Per
1900 Spanish Drive
Saraland, AL 36571
251-675-9393

29 pp

Question Presented for Review

This Petition is brought forth for certification of a decision by the First District Court of Appeal, State of Florida, affirming an order by a Judge in the Fourth Circuit Court of Duval County, Florida, which stems from a case of Support Not Connected with Dissolution. In the case, legal custody of the minor child concerned has changed three times, yet only the Petitioner/father has ever been ordered to pay child support, and in fact was ordered to pay support while he had custody of the child. The Petitioner contends that the State Courts have violated his right to fair and equal treatment in a court of law by requiring him to pay support to the mother while he was both a custodial and non-custodial parent, while refusing to order the mother to pay child support when she was the custodial parent.

The question for review is whether, under Federal Constitutional Law, it is a violation of the Petitioner/father's Fourteenth Amendment right to fair and equal treatment in a state court of law when the state court designates him the non-custodial parent and orders payment of child support, then reverses custody, refuses to order the mother to pay child support and refuses to terminate the father's support order, and then, after 20 months, reverses custody again and orders the father to resume paying child support and arrearage accumulated while he had custody.

Parties to the Proceedings

Petitioner

Patrick D. Cahill, Pro Se
1900 Spanish Dr.
Saraland, AL 36571

Respondent

Deborah J. Cahill, Pro Se
1912 Dewey Place
Jacksonville, FL 32207

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1. Art. XIV, § 1, U.S. Const.
2. Art V, § 3(b) Fla. Const.
3. USC Title 28, Section 1257

Citations of Orders and Opinions Entered

None published.

Petition for Writ of Certiorari

Basis for Jurisdiction

This Court has jurisdiction to review on certiorari under USC Title 28, Section 1257, for review of a civil judgment entered by the court of last resort in the State of Florida, the District Court of Appeal, First District, where the decision of the State Court of last resort has not addressed federal constitutional issues raised on appeal.

The lower Court order under appeal was entered in case 97-1274-FM in the Fourth Circuit Court of Duval County, Florida on October 31, 2000. (Appendix A). The Order affirming the lower Court's order was entered in Case 1D00-4585 on July, 31, 2001 by the District Court of Appeal, First District, State of Florida. (Appendix B).

A timely Motion for Rehearing was filed in the District Court of Appeal, First District, State of Florida on August 14, 2001. It was denied on September 11, 2001. (Appendix C).

Under Florida Law, specifically Art V, § 3(b) Fla. Const., the Supreme Court of the State of Florida can only review orders entered by the District Courts of Appeal which expressly declare or construe issues of State and Federal constitutional law. By entering a per curiam ruling without a written opinion, the District Court of Appeal, First District, State of Florida established themselves as the State Court of last resort, requiring any subsequent appeal to be made directly to the Supreme Court of the United States.

Constitutional Provisions

The applicable Constitutional provision in this petition is the United States Constitution, Amendment XIV, Section 1:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein

they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Statement of the Case

This case is a complex family law case spanning five years, three states, three state circuit or county courts, two state appellate courts, a Federal District Court and Federal Circuit Court of Appeals.

The sole material fact to be considered by this Honorable Court is that the Fourth Circuit Court of Duval County, Florida, and the First District Court of Appeal of Florida, have both ruled that a double of standard of law that specifically violates the Fourteenth Amendment to the Constitution of the United States and discriminates against fathers and non-custodial parents, in this case the Petitioner, is the de-facto standard of law in the State of Florida.

Legal custody of the minor child in the case has changed three times, yet only the Petitioner/father has ever been ordered to pay child support, and in fact was ordered to pay support while he had custody. The pertinent facts of the case follow.

The Respondent/mother was granted temporary custody by the Fourth Circuit Court of Duval County, Florida in September 1996 pursuant to a dual filing by the Respondent/mother for Dissolution of Marriage in Michigan and temporary custody in Florida. The Petitioner/father was ordered to pay child support, which he did. The Respondent/mother was granted permanent custody in October, 1997, despite factual testimony to the Court that she was receiving 100% disability income from both social security and insurance for psychological disability stemming

from a severe manic depressive disorder. The Petitioner/father is a graduate of the United States Naval Academy, was gainfully employed as a senior engineer at the time of the custody decision, and had been denied contact with his child for almost 6 months prior to the final custody decision. The Petitioner/father was ordered to pay child support, which he did. Support was paid by direct payment for over a year, without a missed payment, despite constant denial of visitation by the Respondent/mother. In fact, the Petitioner/father did not see his child for over 9 months during 1998. The Respondent/mother had the Dissolution of Marriage case dismissed in Michigan in January, 1998, and the Petitioner/father immediately filed for Dissolution of marriage in Alabama. The Dissolution of Marriage has never been in the jurisdiction of the Florida Courts.

In April, 1998, the Florida Child Support Enforcement Department initiated a wage garnishment action against the Petitioner/father, despite the fact that no payments had been missed. Following a May, 1998 UIFSA court proceeding in Mobile County, Alabama, the Petition/father's wages began to be garnished at the rate of $593.40 per month.

The Petitioner/father was given temporary custody on January 8, 1999, pursuant to a Motion filed by the Guardian Ad Litem stating that the Respondent was a threat to the child. (Appendix D). The Petitioner subsequently filed a Supplemental Petition for a permanent change of custody and a Motion to Terminate Child Support. The Motion to Terminate Child Support was denied on February 9, 1999, a month after rendition of the order granting the Petitioner/father custody. (Appendix E). The reason for the denial was an alleged, but unsubstantiated, arrearage. The effect of the denial was that the Petitioner/father continued to pay the Respondent/mother "child support" despite the fact that he had full, sole custody of the child, and was incurring both support and child care costs that had to be paid for out of his income, while sending $600 per month to

the non-custodial mother in Florida. The Circuit Court judge knew that the ordered "child support" was not going to the child.

From January 1999 until July 2000, the Petitioner/father repeatedly requested the Fourth Circuit Court of Duval County Florida, through both written and verbal motions, to terminate his child support order and enter an order for the Respondent/mother to pay child support. The motions were ignored or denied, and the Respondent/mother was never ordered to pay child support. In March, 1999, the Petitioner/father filed an emergency motion in the Alabama UIFSA court to stop the wage garnishment. The motion was granted by the UIFSA magistrate, who also entered an order for the State of Florida to reimburse the Petitioner for all wages garnished subsequent to the January 8, 1999 change of custody. The State of Florida has never reimbursed the $1200 collected, making it clear that child support is not intended to support the child.

In October, 1999, the Court finally suspended the Petitioner/father's support order, but made the order effective February 1, 1999, not January 8, 1999. The Court refused to reimburse the wages garnished in February and March, 1999. The Court also did not order the Respondent/mother to pay support.

The Respondent/mother was given custody back on July 17, 2000 for the stated reason that the Fourth Circuit Judge decided she was "no longer a danger to the child". There was no consideration for the impact on the child of being removed from a stable home environment. The July 17, 2000 Order extinguishing the order which had granted the Petitioner/father temporary custody was amended on July 24, 2000. (Appendix F). The order stated that the parties "shall abide by the Final Judgment of Dissolution of Marriage, entered herein on October 10, 1997, and all subsequent Orders modifying same, as it relates to custody, primary residence, visitation, and support of the parties' minor child." By reference, the order included a provision

for the Petitioner/father to begin paying child support at the rate of $593.40 per month through direct wage garnishment. There was no provision for credit for the 20 months during which the Petitioner/father had custody with no support from the Respondent/mother.

The order was not appealed due to the fact it was a non-final order and the Petitioner/father expected a Final Order on his Supplemental Petition for Change of Custody to be immediately forthcoming. The July 24, 2000 amended order also stated that no final order on the Supplemental Petition could be entered until a ruling was made by the District Court of Appeal on the father's Appeal of the earlier denial of a Motion for Voluntary Change of Jurisdiction. That per curiam affirmation by the First DCA was entered on July 16, 2000, 8 days before the amended order was entered, and the day before the initial order extinguishing temporary custody was entered. No final order on the Supplemental Petition was entered until 5 months later, on December 15, 2000, the day the Circuit Court Judge, Jack M. Schemer rotated to a different division.

On October 27, 2000 Judge Jack M. Schemer held a hearing at which the Petitioner/father repeatedly raised the issue of a double standard of law, and verbally moved the court for credit for child support for the 20 months during which he had custody. There is no record available, as the court reporter hired by the Petitioner/father was not allowed in the Courtroom by Judge Schemer. All requests for credit were denied, and an arrearage was entered despite the fact that the Petitioner/father had custody for 20 months with no child support from the Respondent/mother.

On October 31, 2001, Judge Schemer entered the order under initial review, (Appendix A) an order finding the Petitioner/father in arrears for a period of time that he had custody, ordered child support payments of nearly $600.00 per month, and flat outright refused to allow credit for the time that the Petitioner/father had custody of the child and paid all of his expenses (including daycare and extensive

dental bills resulting from severe dental neglect by the mother) for 20 months. Under Florida Law, child support from the Respondent/mother during the January 1999 through July 2000 time period should have been approximately $600.00 per month.

The Ruling by Judge Schemer was appealed to the Florida First District Court of Appeal, and locketed as Case 1D00-4585. The Petitioner/father filed his brief on December 19, 2000, at which time the federal question of Fourteenth Amendment violations was formally raised in Paragraph D of the Legal Summary (Appendix G) and Paragraph D of the Legal Argument (Appendix H). A reply brief was filed by the Respondent/mother which did not address the issues or offer any legal argument. The First District Court of Appeal entered a per curiam ruling without a written opinion on July 31, 2001, and denied the Petitioner/father's Motion for Rehearing and clarification by written opinion on September 11, 2001.

The Fourth Circuit Court eventually denied the Petitioner/father's Supplemental Petition for a Permanent Change of Custody on December 15, 2000. That decision was also appealed, and is currently on the docket of the First District Court of Appeals as Case 1D01-384.

Legal Argument

The Petitioner's writ should be allowed for review by the Supreme Court of the United States under the Rules of the Supreme Court of the United States Rule 10 (c) and USC Title 28, Section 1257, due the fact that the state court of last resort, the District Court of Appeals, First District, State of Florida, has passed on the federal issue raised by the Petitioner by entering a per curiam affirmation of the lower court's ruling, with no written opinion.

It is immediately apparent from the orders entered by the lower Circuit Court that the Petitioner/father had custody of his child for 20 months and during that period

the Circuit Court not only refused to order the non-custodial Respondent/mother to pay support, the Court also continued the garnishment of wages from the Petitioner/father. It is also clear that the Circuit Court found that the Petitioner/father had accumulated an arrearage while he had custody of his son, which makes absolutely no sense from either a legal or "best interests of the child" point of view.

These findings, as so clearly laid out in the Circuit Court's orders, are so utterly discriminatory that no controlling case citation for any similar case can be found. The fact that the First District Court of Appeal entered a per curiam decision with no written opinion precludes the Petitioner/father from attacking any logic, reason or legal argument that may have been considered prior to the entry of the affirming order. In fact, there is no way to discern how the First District Court of Appeal reached a decision affirming the Circuit Court order when it is so blatantly obvious that the Petitioner/father did not receive fair and equal treatment by the Circuit Court.

The important issue of discrimination in child support orders by the Courts of the State of Florida, in violation of Federal Constitutional protections, must be settled by this Honorable Court.

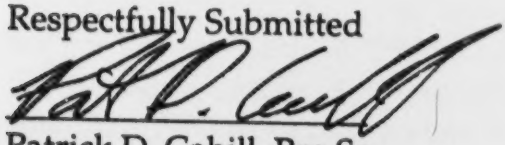
Conclusion

It is clear from the orders under review that the Fourth Circuit Court of Duval County, Florida did not apply child support laws, and subsequent orders, in an equal manner. The Petitioner/father was ordered to pay child support to the child's mother as a non-custodial parent, and as a custodial parent. The ordered support as a custodial parent did not provide support for the child. The Respondent/mother was not ordered to pay any support, but was the recipient of child support funds as a non-custodial parent. No reason or justification is offered by the

Florida Courts. The First District Court of Appeal has attempted to further violate the Petitioner/father's rights by entering a per curiam ruling with no opinion, making it impossible to discern the reason or legal basis for the Florida Court's decisions. Furthermore, the decision by the First District Court of Appeal has forced the Petitioner to a final appeal at the level of the Supreme Court of the United States, a venue in which a review is no longer a matter of right, but a matter of discretion as to whether Fourteenth Amendment rights are truly inviolate.

The Petitioner's request for a Writ of Certiorari should be granted, reversing the ruling of the First District Court of Appeal, State of Florida.

Respectfully Submitted



Patrick D. Cahill, Pro Se
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Appendix

A. Circuit Court Order 10-31-01 10
B. First DCA slip opinion 7-31-01 13
C. First DCA Order denying rehearing, 9-11-01 14
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IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA

CASE NO: 97-1274-FM
DIVISION: FM-B

IN RE: The Matter Of
DEBORAH J. CAHILL, Petitioner/Former Wife,
and PATRICK CAHILL, Respondent/Former Husband

_____/

ORDER ON MOTIONS HEARD OCTOBER 27, 2000

On October 27, 200, the undersigned judge called for hearing the following: Petitioner's Motion for Contempt of order to Pay Child Support, Respondent's Motion to Reappoint Guardian Ad Litem, Respondent's Motion for Clarification, Continuance, and Demand for State Appointed Attorney, and the service of an Order to Show cause as to Why the Respondent Should Not be Held in indirect Criminal Contempt. After receiving evidence and testimony from the parties, the Court finds as follows:

1. Motion for Contempt of Order to Pay Child Support

The Respondent, PATRICK CAHILL, is found to be in arrears in child support in the amount of $3,050.59 through October 31, 2000. The Respondent shall pay the sum of $581.23 within (15) days from the date of this Order and an additional $581.23 within thirty (30) days from the date of this Order. In addition, Mr. Cahill is reminded that he is under an order to pay the same amount which is due on the first (1st) of the month in addition to the sums ordered herein. Since both parties represented they had paid medical expenses without reimbursement from the other

party, the Court reserves jurisdiction to modify the arrearage amount.

2. Respondent's Motion to Reappoint Guardian Ad Litem is denied.

The Guardian Ad Litem moved to withdraw on the grounds of a conflict based upon the filing of a complaint with the Florida bar against attorneys for the Guardian Ad Litem program by the petitioner/Former Wife, DEBORAH CAHILL. The Court thereafter appointed Daniel Wilensky, Attorney Ad Litem for Connor Cahill, but Mr. Wilensky was forced to withdraw due to the behavior of the Respondent, PATRICK CAHILL.

3. Motion for Clarification, Continuation and Demand for State Appointed Attorney.

The Respondent's Motion for State Appointed Attorney is denied because he is found not to be indigent.

4. Order to Show Cause

The Respondent was served an Order to Show Cause and the office of the State Attorney was appointed to prosecute the order to Show Cause.

5. Respondent's Motion for Contempt for Denial of Visitation

The Court reserves ruling on Respondent's Motion for Contempt for the denial of visitation, however, the Court ordered make-up visitation and granted Respondent and extended visit from October 27, 2000, at 6:00 p.m. until November 12, 2000, at 2:00 p.m., where the parties will exchange Connor at the police station in Tallahassee, Florida, as previously ordered.

DONE AND ORDERED in Chambers at Jacksonville, Duval, County, Florida, this 31st day of October, 2000.

S/ Jack M. Schemer
JACK M. SCHEMER
CIRCUIT JUDGE

Copies to:

Patrick Cahill
1900 Spanish Drive
Saraland, AL 36571

Deborah P. Cahill
1700 San Pablo Road, #104
Jacksonville, FL 32224

Stamped:
A TRUE COPY HEREOF IN ABOVE CASE SIGNED
OCTOBER 31, 2000
s/ Jack M. Schemer
CIRCUIT COURT JUDGE

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D00-4585

PATRICK CAHILL
Appellant
v.
DEBORAH J. CAHILL
Appellee
_____/

Opinion filed July 31, 2001

An appeal from Circuit Court of Duval County, Jack M. Schemer, Judge.

Patrick Cahill, Pro Se.

Deborah J. Cahill, Pro Se.

PER CURIAM.

AFFIRMED.

ALLEN, C.J., PADOVANO and LEWIS, JJ., CONCUR.

DISTRICT COURT OF APPEAL, FIRST DISTRICT
Tallahassee, Florida 32399-1850
Telephone No. (850) 488-6151

September 11, 2001

CASE NO.: 1D00-4585
L.T. No.: 97-1274-FM

Patrick Cahill v. Deborah J. Cahill

Appellant/Petitioner(s), Appellee/Respondent(s)

BY ORDER OF THE COURT

Appellant's motion filed August 21, 2001, for rehearing and clarification is denied.
I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Patrick Cahill Deborah J. Cahill

jm

s/ Jon S. Wheeler
JON S. WHEELER, CLERK

Stamped:
DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO: 97-1274-FM
DIVISION: FM-B

IN RE: THE MARRIAGE OF
DEBORAH J. CAHILL, Petitioner
and PATRICK CAHILL, Respondent
_____/

EMERGENCY EX-PARTE ORDER

THIS CAUSE having come to be heard on the Emergency ex Parte Motion filed by the Guardian Ad Litem Program, and the Court being fully advised in the premises, the Court finds:

1. Without entry of this Order the minor child's health, safety and well-being will be at risk in that the Child's mother, Deborah Cahill, has custody of the minor child.

2. By affidavit dated January 8, 1999, Dr. Harry Krop states that, in his professional opinion, Deborah Cahill presents as serious and imminent threat to the health, welfare and safety of the child, Connor Patrick Cahill, either by fleeing with the child or by harming herself and/or the child.

3. Deborah Cahill is disabled and receiving Social Security disability benefits due to a psychiatric condition.

4. On or about December 3, 1998, after receiving Dr. Krop's psychological evaluation, Deborah Cahill suddenly left the jurisdiction of this Court with the child, Connor, and traveled to North Carolina to stay with a relative. As a result she was not present at the court hearing held on

December 9, 1998 regarding Patrick Cahill's visitation over the Christmas holidays.

5. Deborah Cahill was notified by the Guardian Ad Litem office of the specific terms of the Order Granting Respondent Extended Visitation until January 3, 1999.

6. On December 28, 1998, Deborah Cahill filed a missing persons report with the Jacksonville Sheriff's Office alleging that the child, Connor, had not been returned to her custody as ordered.

7. Deborah Cahill has refused to disclose the location of the minor child, Connor Patrick Cahill, to the Guardian Ad Litem as required by the Order of Appointment of Guardian Ad Litem. Deborah Cahill has refused the Guardian all access to the child since the Guardian's Report was filed.

8. The mental health status of Deborah Cahill is of serious concern to this Court.

THEREFORE, it is hereby

ORDERED AND ADJUDGES:

1. that Patrick Cahill shall have temporary custody of the child, Patrick Conner Cahill.

2. Deborah Cahill may seek review of this order within five (5) days of the entry of this order.

3. All law enforcement personnel of the State of Florida shall assist and cooperate with the father, Patrick Cahill, and/or Teresa Cahill, in obtaining the physical custody of the child, Patrick Conner Cahill, and shall, in so far as possible, prevent anyone from notifying Deborah Cahill of the entry of this order until such time as it is executed.

DONE AND ORDERED in chambers at Jacksonville, Duval, County, Florida, this 8th day of January, 1999, 11:43 AM.

Stamped
ORDER ENTERED
JAN 08 1999
/s/ Jack M. Schemer
CIRCUIT JUDGE

Stamped:

A TRUE COPY HEREOF IN
ABOVE CASE SIGNED
JAN 08 1999
S/ Jack M. Schemer
Circuit Judge

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO: 97-1274-FM
DIVISION: FM-B

IN RE: THE MARRIAGE OF
DEBORAH J. CAHILL, Petitioner
and PATRICK CAHILL, Respondent

_____/

ORDER ON FORMER HUSBAND'S MOTION TO TERMINATE CHILD SUPPORT

THIS CAUSE having come to be heard and the parties through their respective counsel have made argument to the Court, it is

ORDERED AND ADJUDGES:

1. The Former Husband's Motion to Terminate Child Support is hereby denied subject to the Court reserving the right of the parties to have further hearing to determine outstanding arrearages, if any, in child support alleged to be due and owing and credits due the former Husband because of any overpayment of child support.

DONE AND ORDERED in Chambers this ___ day of February, 1999.

Stamped
ORDER ENTERED
JAN 08 1999
/s/ Jack M. Schemer
CIRCUIT JUDGE

Copies to:

B.J. Layne, Esq.
220 East Forsyth Street
Jacksonville, FL 32202

Gertrude Kehne, Esq.
330 East bay Street
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M. Alan Ceballos, Esq.
200 E. Forsyth Street
Jacksonville, FL 32202

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO: 97-1274-FM
DIVISION: FM-B

IN RE: The Matter Of
DEBORAH J. CAHILL, Petitioner
and PATRICK CAHILL, Respondent

_____/

AMENDED ORDER DISSOLVING TEMPORARY ORDER OF CUSTODY

THIS CAUSE having come to be heard upon the Motion to Dissolve the Emergency Temporary Order of Custody entered without notice, awarding temporary custody to PATRICK CAHILL of the parties' minor child, Patrick Connor Cahill, born November 11, 1995. After a hearing in which evidence was presented establishing that the Former Wife, does not pose a threat to the minor child, it is hereby ORDERED AND ADJUDGED:

1. The Emergency Temporary Order entered ex parte on January 8, 1999, is set aside.
2. The parties shall abide by the Final Judgment of Dissolution of Marriage, entered herein on October 10, 1997, and all subsequent Orders modifying same, as it relates to the custody, primary residence, visitation, and support of the parties' minor child.
3. An Order on the Respondent's Supplemental Petition for Modification of Final Judgment of Dissolution of Marriage as it pertains to the primary parental responsibility and support of the minor child may not be ruled upon until the appeal now pending before the First District Court of Appeal is decided.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida, this 24th day of July, 2000, nunc pro tunc July 17, 2000.

/s/ Jack M. Schemer
JACK M. SCHEMER
CIRCUIT JUDGE

Copies to:

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1900 Spanish Drive
Saraland, AL 36571

Christian F. Smith, Esquire
4741 Atlantic Blvd., Suite C
Jacksonville, FL 32207

D. DID THE CIRCUIT COURT ERR BY REFUSING TO CREDIT THE APPELLANT FOR THE 20 MONTHS IN WHICH HE HAD TEMPORARY CUSTODY AND THE CIRCUIT COURT JUDGE REFUSED TO ORDER THE APPELLEE TO PAY ANY AMOUNT OF SUPPORT?

During the October 27, 2000 hearing, Judge Schemer specifically refused to provide a reason why the Appellant was not required to pay support from January 8, 1999 through July 17, 2000, while the Appellant had custody. He then went on to assess arrearages and obligations on the Appellant. This unequal application of the law is a direct violation of Amendment XIV, § 1, U.S. Const and a prime example of gender bias in the Fourth Circuit Family Court.

D. DID THE CIRCUIT COURT ERR BY REFUSING TO CREDIT THE APPELLANT FOR THE 20 MONTHS IN WHICH HE HAD TEMPORARY CUSTODY AND THE CIRCUIT COURT JUDGE REFUSED TO ORDER THE APPELLEE TO PAY ANY AMOUNT OF SUPPORT?

Judge Schemer had repeatedly refused to order the Appellee to pay child support, and then gave her custody back. He immediately ordered the Appellant to pay support. The Appellant is guaranteed a right to fair and EQUAL treatment in the Court. If the Appellee did not have to pay support, then the Appellant should not have to pay support, or he should be credited in full for the amount for support that the Appellee should have been ordered to pay. This a guaranteed right under Amendment XIV, § 1, U.S. Const. There is no legal basis for ordering that only the Father pays support as a non-custodial parent. The child support orders must be remanded.